

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTOMAH

STATE OF OREGON,)	No. 17CR34550
)	
Plaintiff,)	MOTION TO DECLARE DEATH IS NOT A
)	SENTENCING OPTION
vs.)	
)	(Oral Argument Requested)
JEREMY JOSEPH CHRISTIAN,)	
)	
Defendant.)	

MOTION

COMES NOW, the defendant, Jeremy Christian, by and through his attorney, Greg Scholl, and respectfully requests an Order of this Court, pursuant to Oregon's new aggravated murder statute (SB1013) declaring death is not a possible sentencing option in the above captioned case.

This motion is in the opinion of counsel well-founded and not made for purposes of delay. It is estimated that this motion will take 30 minutes. Reporting services are requested.

ARGUMENT

Mr. Christian is charged by way of indictment in the current case with, among other counts, two counts of Aggravated Murder from an alleged incident date of May 26, 2017. Senate Bill 1013, which gives a new definition for Aggravated Murder (SB 1013, Section 1) and is based on elements not pleaded in the present case, became law on "the 91st day after the date on which the 2019 regular session of the [current legislature] adjourns." SB 1013, Section 31. The 2019 regular session of the legislature adjourned June 30, 2019, and SB 1013 became law September 29, 2019.

1 SB 1013 applies to “crimes committed before, on or after the effective date of this 2019 Act
2 that are the subject of sentencing proceedings occurring on or after the effective date of this 2019
3 Act.” SB 1013, Section 30.

4 If defendant is convicted of any offense pled in the current indictment which allegedly
5 occurred “before . . . the effective date of this 2019 Act,” defendant will be subject to a “sentencing
6 proceeding occurring on or after the effective date [September 29, 2019] of this 2019 Act.” Thus SB
7 1013 applies to defendant in the present case.

9 As it relates to this case, what was previously Aggravated Murder is now reclassified as
10 Murder in the First Degree (SB 1013, Section 3(1)) for which the death penalty is not a sentencing
11 option. SB 1013, Section 3(2). Thus Mr. Christian is not subject to the death penalty.

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

1 **CONCLUSION**

2
3 Because SB 1013 has become law, Mr. Christian respectfully requests the Court declare
4 death is not a sentencing option in the present case, and any and all procedures related to the death
5 penalty are not relevant to this case.

6 DATED this 1 day of Oct., 2019.

7
8 

9
10 Greg Scholl, OSB #954039
11 Dean Smith, OSB #924647
12 Attorneys for Jeremy Christian
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I certify that on October 1st, 2019, I or a representative of my office served the within: MOTION TO DECLARE DEATH IS NOT A SENTENCING OPTION on the attorney of record for plaintiff by electronically serving him a true copy thereof as required by UTCR 21.100.

Joan Patgasil
METROPOLITAN PUBLIC DEFENDERS